



POLICE DEPARTMENT

July 31, 2019

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In the Matter of the Charges and Specifications :

Case No.

- against - :

2017-18247

Police Officer Reuben Antwi :

Tax Registry No. 948300 :

Housing PSA 2 :

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Anna Krutaya, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Said Police Officer Reuben Antwi, assigned to the 47th Precinct, on or about and between August 25, 2016, and July 23, 2017, did knowingly associate with persons or organizations reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2(C)

PUBLIC CONTACT - PROHIBITED
CONDUCT
GENERAL REGULATIONS

2. Said Police Officer Reuben Antwi, assigned to the 47th Precinct, on or about and between August 25, 2016, and July 23, 2017, did wrongfully engage in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer engaged in a romantic relationship with Person A after placing her under arrest and during the pendency of her criminal matter.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT PROHIBITED
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REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on June 27, 2019. Respondent, through his counsel, entered a plea of Guilty to the subject charges, and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. After considering the evidence, I find mitigation is warranted, and recommend that Respondent forfeit thirty (30) vacation days and be placed on one-year dismissal probation.

SUMMARY OF EVIDENCE IN MITIGATION

This case stems from Respondent's brief romantic relationship with Person A¹, whom he had previously arrested on an assault cross-complaint. The sequence of events began in the summer of 2016, when Respondent initiated an unrelated car stop. At the time of the stop, Person A was in a car stuck behind Respondent's vehicle. Person A joked to Respondent about his being in her way, which led to a brief conversation where they exchanged telephone numbers. (Tr. 13 15, 32)

Respondent testified that his next in-person contact with Person A was several weeks later, on August 16, 2016. He responded to a radio run of a fight, stemming from a landlord-tenant dispute. One of the parties involved in the fight was Person A, whom Respondent recognized from the day of the car stop. Respondent spoke with the parties involved in the altercation, and they agreed not to press charges, but Respondent's supervisor directed that they be arrested. Respondent asked his partner, who had more time on the job, whether he wanted to be the arresting officer, but the partner declined, and so Respondent took the arrest and issued Desk Appearance Tickets to the parties. Respondent testified that he did not expect anything to come of the case, since it was a simple misdemeanor assault which neither side wanted to pursue, and that he did not think he would be called to testify in court. He insisted he gave no special treatment to Person A during the pendency of the case, which was dismissed in criminal court on May 4, 2017. Nevertheless, Respondent acknowledged that he was wrong not to bring to the attention of his partner and supervisor his previous interaction with Person A, since as the

¹ The Specifications list the woman's name as Person A. The parties stipulated that "Person A" was an alternate name that she initially provided to police. Her real name is Person A, which is the name that will be used in this decision. (Tr. 28)

arresting officer he was a potential witness with a conflict of interest in the case. (Tr. 16-19, 28-29, 33-35, 40)

Sometime later that summer, Respondent contacted Person A by phone to ask how she was doing. They had many similar communications over the next several months, mostly by text. Respondent admitted that one of the texts he sent to her was a photograph of himself in just a towel. They also met up on two separate occasions, both times while Respondent was aware that Person A's criminal case was still pending. The first time, in September, they had a brief conversation in Respondent's car outside Person A's home. On the second occasion, in late September or early October, Respondent went to Person A's apartment, where they had sexual intercourse. After that day, Respondent did not wish to pursue a relationship with Person A, and they had no additional physical encounters. Person A took offense and threatened him, and also presented Respondent with a letter asking to see him one more time, which he refused to do. Respondent testified that he only continued to answer her texts because he was concerned she would "try to ruin him" if he ignored her. He openly recognized that it was his own actions and choices that put him in that difficult situation. (Tr. 22-27, 38-39, 45-46)

Respondent candidly acknowledged that it was "sheer stupidity" on his part to engage in this relationship with a person whom he had arrested and where the charges were still pending. (Tr. 41)

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on July 14, 2009. Information from his personnel record that was considered in

making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has no disciplinary record.

The Department Advocate asks that Respondent be dismissed from the Department, since he can no longer be trusted to continue as a police officer. As the Advocate notes, precedent for this particular fact pattern is rare, but cases involving a member of service engaged in a relationship with a complainant typically result in the forfeiture of 30 days and one-year dismissal probation. The Advocate argues that the penalty should be termination here because the relationship was with a defendant with an open criminal case; the Advocate cites two plea cases with penalties that included vested retirement, but each of those cases also involved misleading or inaccurate statements by the respondent, a significant aggravating factor not present in this case.

To be sure, Respondent exercised poor judgment in choosing to pursue a physical relationship with Person A. There was no indication that Respondent compromised Person A's criminal case in any way, but his behavior was troubling nonetheless. To his credit, Respondent readily acknowledged as much, and willingly took responsibility for his actions. Respondent appeared to be genuinely remorseful on the witness stand as he admitted his "sheer stupidity" in this matter. This tribunal is persuaded that Respondent has learned from this experience, and that he should be granted the opportunity to demonstrate that he can continue to be a productive member of the Department.

Having carefully observed and listened to Respondent in court, I do not agree with the Advocate's opinion that Respondent can no longer be trusted. I do, however, believe that a period of monitoring is warranted. Taking into account the totality of the circumstances and issues in this matter, I recommend that Respondent forfeit thirty (30) vacation days, and that he be DISMISSED from the New York City Police Department, but that his dismissal be held in

abeyance for a period of one (1) year pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED

NOV 22 2019

JAMES P. O'NEILL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER REUBEN ANTWI
TAX REGISTRY NO. 948300
DISCIPLINARY CASE NO. 2017-18247

Respondent was appointed to the Department on July 14, 2009. On his last three annual performance evaluations, he received 4.0 ratings of "Highly Competent" for 2014, 2015, and 2016. [REDACTED]

Respondent has no disciplinary record. In connection with the instant charges and specifications, he was placed on Level 2 Discipline monitoring on April 27, 2018. That monitoring remains ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials